



02-16-03

2157

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## TRANSMITTAL FORM

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Total Number of Pages in This Submission

14

Application Number

09/376,017

Filing Date

August 19, 1999

First Named Inventor

Stanley Yamane

Art Unit

2157

Examiner Name

Abdullahi Elmi Salad

Attorney Docket Number

ATV-005 [E0243-00014]

### ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☐

Preliminary  
Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority  
Document(s)

☐

Reply to Missing Parts/  
Incomplete Application

☐

Reply to Missing Parts  
under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a  
Provisional Application

☒

Power of Attorney, Revocation  
Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) \_\_\_\_\_

☐

Landscape Table on CD

☐

After Allowance Communication to TC

☐

Appeal Communication to Board  
of Appeals and Interferences

☐

Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify  
below):

- Certification Under 37 CFR 3.73(b)

- Return Postcard

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Duane Morris LLP

Signature

*Steven E. Koffs*

Printed name

Steven E. Koffs

Date

February 15, 2005

Reg. No.

37,163

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Steven E. Koffs

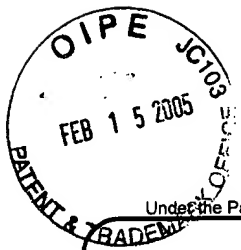
Date

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**REVOCATION OF POWER OF  
ATTORNEY WITH  
NEW POWER OF ATTORNEY  
AND  
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	09/376,017
Filing Date	August 19, 1999
First Named Inventor	Stanley Yamane
Art Unit	2157
Examiner Name	Salad, Abdullahi Elmi
Attorney Docket Number	ATV-005 (E0243-00014)

**I hereby revoke all previous powers of attorney given in the above-identified application.**☐ A Power of Attorney is submitted herewith.**OR**☒ I hereby appoint the practitioners associated with the Customer Number:

08933

☒ Please change the correspondence address for the above-identified application to:☒ The address associated with  
Customer Number:

08933

**OR**☐ Firm or  
Individual Name

Address

City

State

Zip

Country

Telephone

Fax

I am the:

☐ Applicant/Inventor.☒ Attorney for Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

Signature

Name

Michael Callahan

Date

2/11/05

Telephone

408.349.3300

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT

Attorney Docket: E0243-00014



PTO/SB/96 (6-95)  
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Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

**CERTIFICATE UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Yahoo! Inc.

Application No./Patent No.: 09/376,017 Filed/Issue Date: August 19, 1999

Entitled: Web Server Content Replication

Yahoo! Inc., a Corporation,  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.

The extent (by, percentage) of its ownership interest is \_\_\_\_\_% in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the U.S. Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. An assignment from the inventors of the patent application identified above, to Webspective Software, Inc.

The document was recorded in the Patent and Trademark Office at Reel 010595, Frame, 0877, or for which a copy thereof is attached.

**PATENT**

**Attorney Docket: E0243-00014**

2. A merger of: WS Acquisition Corp., a wholly owned subsidiary of Inktomi Corp.  
With: Webspective Software, Inc.

The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. A merger of: December 2002 Acquisition Corp., a wholly owned subsidiary of Yahoo! Inc.  
With: Inktomi Corp.


The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached. [NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

2/11/05  
Date

  
Michael Callahan  
Senior Vice President, General Counsel  
and Secretary of Yahoo! Inc.

# Delaware

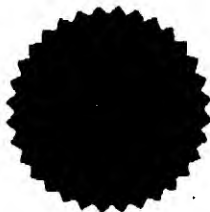
PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"DECEMBER 2002 ACQUISITION CORP.", A DELAWARE CORPORATION, WITH AND INTO "INKTOMI CORPORATION" UNDER THE NAME OF "INKTOMI CORPORATION", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE NINETEENTH DAY OF MARCH, A.D. 2003, AT 5:30 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

2682488 8100M

030185317

AUTHENTICATION: 2318797

DATE: 03-19-03

03/19/2003 17:16

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 05:30 PM 03/19/2003  
030185317 - 2682488

**CERTIFICATE OF MERGER**  
**OF**  
**DECEMBER 2002 ACQUISITION CORP.**  
**INTO**  
**INKTOMI CORPORATION**

(Pursuant to Section 251(c) of  
the General Corporation Law of the State of Delaware)

\*\*\*\*\*

The undersigned does hereby certify that:

**FIRST:** The name and state of incorporation of each of the constituent corporations to this merger is as follows:

Name	State of Incorporation
Inktomi Corporation	Delaware
December 2002 Acquisition Corp.	Delaware

**SECOND:** An Agreement and Plan of Merger (the "Agreement") dated as of December 22, 2002, by and among Yahoo! Inc., a Delaware corporation, December 2002 Acquisition Corp. and Inktomi Corporation has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of Section 251(c) of the General Corporation Law of the State of Delaware.

**THIRD:** The name of the surviving corporation is Inktomi Corporation.

**FOURTH:** The certificate of incorporation of Inktomi Corporation is amended and restated to read in its entirety as set forth in Exhibit A hereto.



03/19/2003

17:16

NO. 628

004

**EXHIBIT A**

**AMENDED AND RESTATED CERTIFICATE OF INCORPORATION  
OF  
INKTOMI CORPORATION**

**ARTICLE I**

The name of the corporation is Inktomi Corporation (the "Corporation").

**ARTICLE II**

The address of the registered agent for the Corporation in the State of Delaware is 2711 Centerville Road, Suite 400, City of Wilmington, County of New Castle, Delaware 19808. The name of its registered agent at such address is the Corporation Service Company.

**ARTICLE III**

The purpose of the Corporation is to engage in any lawful act or activity for which corporations may be organized under the Delaware General Corporation Law ("Delaware Law").

**ARTICLE IV**

The Corporation is authorized to issue one class of shares designated "Common Stock." The number of shares of Common Stock authorized to be issued is 1,000. The par value of each share of Common Stock is \$0.001.

**ARTICLE V**

The Board of Directors of the Corporation is expressly authorized to adopt, amend or repeal Bylaws of the Corporation.

**ARTICLE VI**

Elections of directors need not be by written ballot unless otherwise provided in the Bylaws of the Corporation.



03/19/2003

17:16

NO. 628 005

## ARTICLE VII

(A) To the fullest extent permitted by Delaware Law, as the same exists or as may hereafter be amended, a director of the Corporation shall not be personally liable to the Corporation or its stockholders for monetary damages for breach of fiduciary duty as a director.

(B) The Corporation shall indemnify to the fullest extent permitted by law any person made or threatened to be made a party to an action or proceeding, whether criminal, civil, administrative or investigative, by reason of the fact that he, his testator or intestate is or was a director or officer of the Corporation or any predecessor of the Corporation, or serves or served at any other enterprise as a director or officer at the request of the Corporation or any predecessor to the Corporation. The Company may indemnify to the fullest extent permitted by law any person made or threatened to be made a party to an action or proceeding, whether criminal, civil, administrative or investigative, by reason of the fact that he, his testator or intestate is or was an employee or agent of the Company or any predecessor of the Company, or serves or served at any other enterprise as an employee or agent at the request of the Company or any predecessor to the Company.

(C) Neither any amendment nor repeal of this Article VII, nor the adoption of any provision of the Corporation's Certificate of Incorporation inconsistent with this Article VII, shall eliminate or reduce the effect of this Article VII in respect of any matter occurring, or any action or proceeding accruing or arising or that, but for this Article VII, would accrue or arise, prior to such amendment, repeal or adoption of an inconsistent provision.

## ARTICLE VIII

The Corporation reserves the right to amend this Certificate of Incorporation in any manner permitted by Delaware Law and, with the sole exception of those rights and powers conferred under the above Article VII, all rights and powers conferred herein on stockholders, directors and officers, if any are subject to this reserved power.

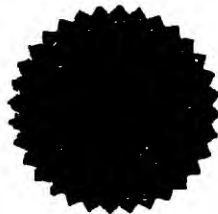
# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"WS ACQUISITION CORPORATION", A DELAWARE CORPORATION,  
WITH AND INTO "WEBSPECTIVE SOFTWARE, INC." UNDER THE NAME OF  
"WEBSPECTIVE SOFTWARE, INC.", A CORPORATION ORGANIZED AND  
EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED  
AND FILED IN THIS OFFICE THE FIRST DAY OF OCTOBER, A.D. 1999, AT  
2 O'CLOCK P.M.



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

2717852 8100M

030499594

AUTHENTICATION: 2557482

DATE: 07-31-03

**CERTIFICATE OF MERGER**  
**MERGING**  
**WS ACQUISITION CORPORATION,**  
**A DELAWARE CORPORATION**  
**WITH AND INTO**  
**WEBSPECTIVE SOFTWARE, INC.,**  
**A DELAWARE CORPORATION**

---

Pursuant to Section 251 of the General Corporation Law of the State of Delaware

---

WebSpective Software, Inc., a Delaware corporation ("WebSpective"), does hereby certify as follows:

**FIRST:** The constituent corporations are WebSpective and WS Acquisition Corporation, a Delaware corporation ("WS").

**SECOND:** An Agreement and Plan of Reorganization (the "Reorganization Agreement"), dated September 15, 1999, among Inkdom Corporation, WS and WebSpective, setting forth the terms and conditions of the merger of WS with and into WebSpective (the "Merger"), has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with Section 251 of the Delaware General Corporation Law.

**THIRD:** The name of the surviving corporation in the Merger (the "Surviving Corporation") shall be WebSpective Software, Inc.

**FOURTH:** The Restated Certificate of Incorporation of the Surviving Corporation is amended to read in its entirety as set forth in Exhibit A hereto:

**FIFTH:** An executed copy of the Reorganization Agreement is on file at the principal place of business of WebSpective at the following address:

WebSpective Software, Inc.  
66 B Street  
Needham, MA 02494

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 02:00 PM 10/01/1999  
091415579 - 2717652

10/01/99 10:54 WILSON SONSINI + 302 674 8340  
08/30/99 10:17 FAX 017 240 7100 12014 NUNW11A

NO. 157 P003/005

SEP-30-99 THU 02:31 PM WEBSPECTIVE SOFTWARE

FAX NO. 781 444 5074

P. 08

SIXTH: An executed copy of the Reorganization Agreement will be furnished by the Surviving Corporation, on request and without cost, to any stockholder of either constituent corporation.

SEVENTH: The authorized capital stock of WS is 1,000 no par value shares, of common stock.

EIGHTH: The Merger shall become effective upon the filing of this Certificate of Merger with the Secretary of State of the State of Delaware.

IN WITNESS WHEREOF, WebSpective has caused this Certificate of Merger to be executed in its corporate name as of the 1<sup>st</sup> day of October, 1999.

WEBSPECTIVE SOFTWARE, INC.

By: Glenn E. House, Sr.  
President and Chief Executive Officer

ATTEST:

Phyllis Doherty,  
Chief Financial Officer

**MEMORIAL**  
**RESTATED CERTIFICATE OF INCORPORATION**  
**OF**  
**WEBSPECTIVE SOFTWARE, INC.**

**ARTICLE 1.**

The name of the corporation is Webspective Software, Inc. (the "Corporation").

**ARTICLE 2.**

The address of the Corporation's registered office in the State of Delaware is Corporation Trust Center, 1209 Orange Street, Wilmington, New Castle County, Delaware 19801. The name of its registered agent at such address is The Corporation Trust Company.

**ARTICLE 3.**

The purpose of the Corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Delaware.

**ARTICLE 4.**

The Corporation is authorized to issue one class of shares to be designated Common Stock. The total number of shares of Common Stock this Corporation shall have authority to issue is 1,000, with par value of \$0.001 per share.

**ARTICLE 5.**

The Corporation is to have perpetual existence.

**ARTICLE 6.**

In furtherance and not in limitation of the powers conferred by statute, the Board of Directors is expressly authorized to make, alter, amend or repeal the Bylaws of the Corporation.

10/01/99 10:55 WILSON SONSINI + 302 674 8340

NO.167 P005/005

**ARTICLE 7.**

The number of directors which constitute the whole Board of Directors of the Corporation shall be as specified in the Bylaws of the Corporation.

**ARTICLE 8.**

Meetings of stockholders may be held within or without the State of Delaware, as the Bylaws may provide. The books of the Corporation may be kept (subject to any provision contained in the statutes) outside the State of Delaware at such place or places as may be designated from time to time by the Board of Directors or in the Bylaws of the Corporation.

**ARTICLE 9.**

To the fullest extent permitted by the Delaware General Corporation Law as the same exists or may hereafter be amended, a director of the Corporation shall not be personally liable to the Corporation or its stockholders for monetary damages for breach of fiduciary duty as a director, except to the extent such exception from liability or limitation thereof is not permitted under the Delaware Corporation Law as the same exists or may hereafter be amended. Neither any amendment nor repeal of this Article, nor the adoption of any provision of this Certificate of Incorporation inconsistent with this Article, shall eliminate or reduce the effect of this Article in respect of any matter occurring, or any cause of action, suit or claim that, but for this Article, would accrue or arise, prior to such amendment, repeal or adoption of an inconsistent provision.

**ARTICLE 10.**

Advance notice of new business and stockholder nominations for the election of directors shall be given in the manner and to the extent provided in the Bylaws of the Corporation.

**ARTICLE 11.**

Elections of directors need not be by written ballot unless the Bylaws of the Corporation shall so provide.

**ARTICLE 12.**

The Corporation reserves the right to amend, alter, change or repeal any provision contained in this Certificate of Incorporation, in the manner now or hereafter prescribed by statute, and all rights conferred upon stockholders herein are granted subject to this reservation.

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